

**Fw: Proposed NEW Regulations for LSRP**

Bruce Aber to: Adolph Everett, Dale Carpenter, Michael Infurna
Cc: William Sawyer

11/30/2011 05:56 PM

fyi, the email below prepared by Barry does a good job describing his concern, which he later included as part of his comments to NJDEP (see my prior email a few moments ago).

----- Forwarded by Bruce Aber/R2/USEPA/US on 11/30/2011 05:49 PM -----

From: Barry Tornick/R2/USEPA/US
To: William Sawyer/R2/USEPA/US@EPA
Cc: Bruce Aber/R2/USEPA/US@EPA, Everett.Adolph@epamail.epa.gov, Barbara Finazzo/R2/USEPA/US@EPA
Date: 08/17/2011 09:06 AM
Subject: Re: Fw: Proposed NEW Regulations for LSRP

Yes. See below.

They have addressed EPA lead sites directly in new 7:26C-2.3(a)(1)(i) where they exempt EPA lead RCRA sites from getting an LSRP. For NJDEP lead RCRA GPRA sites, they said that they were going specifically indicate that RCRA facilities could not conduct remediations pursuant to RCRA without NJDEP approvals. Adolph and I subsequently agreed that GPRA sites needed NJDEP reviews and approvals but, the lower priority non-GPRA sites could proceed with LSRPs, without NJDEP approvals. It looks like the way NJDEP addressed this is by including in 7:26C-2.3(a)(3)(i)(1) which says that sites can conduct a remediation without NJDEP approval "except. . . if the Department directs otherwise."

NJDEP sent letters to all facilities subject to RCRA corrective action. For EPA lead sites they informed them that they would not be required to hire an LSRP. For NJDEP lead GPRA sites, they *directed otherwise* by indicating that they need to hire an LSRP but, that NJDEP "will conduct document reviews in a traditional manner". For the non-GPRA facilities, they were told to hire LSRPs. They will be subject to only audits specified in the LSRP program.

You might expect to find reference to RCRA GPRA sites subject to NJDEP "Direct Oversight" in 7:26C, Subchapter 14. But, NJDEP has said that RCRA facilities are subject to "traditional oversight" not "direct oversight". It looks like what they have done accomplishes what we requested. However, if you didn't know about the letters sent to sites subject to RCRA corrective action you wouldn't know that RCRA NJDEP lead GPRA sites are subject to traditional oversight and could not proceed without NJDEP approval.

Do we have a problem with the lack of transparency?

**Fw: Re: Fw: DEP Release: Christie Administration Continues Commitment to Accelerate Cleanups**

Barry Tornick to: Barbara Finazzo, Adolph Everett

08/16/2011 11:13 AM

I printed it out and started going through it yesterday (I think I left it open on my desk if you want to see it). The documents are revisions to several regulations. There are major revisions to the Tech Rules (7:26E) and Administrative procedures (7:26C). There is nothing that I saw that would require DuPont to remediate to residential standards. I haven't completed reviewing it but, it looks like NJDEP made the changes that they said they would to address EPA and NJDEP lead RCRA sites.

William Sawyer

New Jersey is making some revisions. Know an...

08/16/2011 12:42:46 PM

From: William Sawyer/R2/USEPA/US
To: Bruce Aber/R2/USEPA/US@EPA, Barry Tornick/R2/USEPA/US@EPA
Date: 08/16/2011 12:42 PM
Subject: Fw: Proposed NEW Regulations for LSRP

New Jersey is making some revisions. Know anything about this, Barry?

----- Forwarded by William Sawyer/R2/USEPA/US on 08/16/2011 12:41 PM -----

From: Walter Mugdan/R2/USEPA/US
To: delmar karlen@epa@EPA, sawyer.william@epamail.epa.gov
Date: 08/12/2011 05:58 PM
Subject: Fw: Proposed NEW Regulations for LSRP

FYI:

----- Forwarded by Walter Mugdan/R2/USEPA/US on 08/12/2011 05:58 PM -----

From: "Ed Putnam" <Ed.Putnam@dep.state.nj.us>
To: John LaPadula/R2/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Carole Petersen/R2/USEPA/US@EPA
Date: 08/12/2011 12:39 PM
Subject: Proposed NEW Regulations for LSRP

Here's the link to our new rule proposal to implement the LSRP program. DO NOT PRINT it out it's huge. There's a lot of pages of existing rules with just little changes. the new rules will actually be significantly smaller than before.

The major change is that the rules reflects what the "person responsible for the remediation" shall do and the specific way to do it moves to guidance for the LSRP on how the LSRP should do the work.

We hope to go final by May 2012.

<http://www.nj.gov/dep/rules/proposals/081511b.pdf>

Initial Receptor Evaluation

This submission documents actions taken to evaluate the potential for human and ecological exposure to contamination at a site.

Things you need to know...

- Complete the initial Receptor Evaluation (RE) form using information you know about the site at the time the form is submitted.
- If you completed receptor evaluation activities (such as a ground water investigation) a long time ago you must still complete the initial RE form, reference the completed work and confirm that the evaluation is still valid.
- If the discharge at the site was never reported to DEP, complete the initial RE form and the "Confirmed Discharge Notification" form and the "LSRP Notification of Retention or Dismissal" form.
- Who does not need to submit by March 1, 2012?
 - Unregulated heating oil (UHOT) cases (primarily homeowner tank cases),
 - Any person that received a final remediation document (NFA or RAO), or
 - Any person that began remediation after March 1, 2010

The Receptor Evaluation Form and instructions are available at <http://www.nj.gov/dep/srp/srra/forms/>

Refer to the quick reference guide for the Receptor Evaluation Form at http://www.nj.gov/dep/srp/srra/training/matrix/new_responsibilities/receptor_eval.pdf

Don't forget if you initiated remediation after March 1, 2010...

The initial Receptor Evaluation is required to be submitted to the Department in compliance with the following time frames:

- The regulatory time frame for this requirement is 1 year from when remediation was/or should have been initiated, and
- The mandatory time frame for this requirement is 2 years from when remediation was/or should have been initiated.

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

NJ Department of Environmental Protection
Site Remediation Program
401 East State Street
Trenton, NJ 08625
www.nj.gov/dep/srp/srra



Numbers for the LSRP Discussion

Barry Tornick

to:

Barbara Finazzo

12/20/2010 02:39 PM

Cc:

Everett.Adolph

Show Details

RCRA Corrective Action Universe- 191

Of the 191, GPRA 2020 High Priority Universe- 106

EPA Leads- 10

NJDEP Leads- 96
106

29 of the 96 NJDEP lead GPRA facilities already have remedies constructions completed, so 67 additional NJDEP lead GPRA facilities still need to complete construction of remedies.

Of the 191 facilities subject to RCRA Corrective Action, 106 are in the High Priority GPRA Universe and others have already completed construction under NJDEP oversight. Therefore, 64 facilities (not high priorities) still require remediation.

Let me know if this needs any further clarification or if you have any questions.

